S.B.Cr.Misc. Bail Appli. No.5489/2007

(Mukesh alias Lalchand vs. State of Rajasthan)

Date of order : November 16, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Ashok Parihar, for the petitioner.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary. I have also gone through the statement of the prosecutrix aged 15 years recorded by the Judicial Magistrate, Sardarshahar on 27.9.2007 under section 164 Cr.P.C.

There are specific allegations against the petitioner that he along with other co-accused forcibly took the prosecutrix and the petitioner committed rape on her against her wish. It is alleged that the prosecutrix was forcibly taken and thereafter it was the present petitioner, who removed her cloths and forcibly committed sexual intercourse against her wish.

In view of the statement of the prosecutrix recorded by the Judicial Magistrate, in my view, it is not a fit case to grant anticipatory bail to the petitioner.

The bail application filed by the petitioner under section 438 Cr.P.C. is, therefore, dismissed.

(H.R.PANWAR),J.

m.asif/-